



# CITY OF BANDERA CITY COUNCIL REGULAR MEETING

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, February 27, 2024 at 6:00 PM

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511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

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## AGENDA

1. **Call to order.**
2. **Invocation and Pledge.**
3. **Visitors to be heard (shall not exceed 30 minutes total).**

*Citizens wishing to be heard may do so on all matters except personnel matters, matters listed on the agenda as a public hearing, and matters under litigation. Each person addressing the council must provide his/her legal name and current address for city records and meeting minute preparation. Each person will only be allowed to speak on matters on the agenda during citizen's forum/public comment. No rebuttals will be permitted. Each person addressing the governing body shall not exceed three (3) minutes. Section 551.042, Government Code, V.T.C.A. (i.e. Texas Open Meetings Act) permits a member of the public or a member of the governmental body to raise a subject that has not been included in the notice for the meeting, but any discussion of the subject must be limited to a proposal to place the subject on the agenda for a future meeting. All remarks shall be addressed to the council as a body, and not to any individual member thereof. Any person making personal, impertinent, or slanderous remarks while addressing the council may be requested to leave the meeting.*

4. **Staff Reports.**

- A. City Administrator - Update on the April 8, 2024 Eclipse Event at the City Park.

5. **Consent Agenda.**

- A. Approval of annual contract with Texas Department of Public Safety for Municipal Court due to changes in the 88th Legislative Session. - Farmer

- B. Approval of minutes from regular meeting on February 13, 2024.

6. **Discussion and possible action on the following items:**

- A. Approval of Resolution 2024-013 approving an application of the City of Bandera for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. - Farmer

- B. Appoint persons to a temporary ad-hoc Events Committee to recommend changes in the City of Bandera Event Policies and Ordinances as applicable. - Flowers

- C. Direction related to possible violations of the City of Bandera Code of Ordinances related to allowable uses including recreation vehicle connection for two properties located within the corporate limits of the City of Bandera at 1002 and 1006 Cypress Street. - Palmer

- D. A Hotel Occupancy Tax (HOT) application policy. - Breen

- E. An amendment to the City of Bandera Code of Ordinances Chapter 13 Drought Contingency Plan, Section 13.09.069 Drought Response Stage Responses and Water Use Restrictions. - Battle

7. **Requests and Announcements.**

- A. Requests by Council to place items on an agenda.

- B. Announcements by Council.

## 8. Adjourn.

/s/ Jill Shelton

Jill Shelton, *City Secretary*

*The City Council for the City of Bandera reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matter listed above, as authorized by Texas Government Code §551.071 (Consultations with Attorney), §551.072 (Deliberations about Real Property), §551.073 (Deliberations about Gifts and Donations), §551.074 (Personnel Matters), §551.076 (Deliberations about Security Devices) and §551.086 (Economic Development). There may be a quorum of Economic Development Corporation/Planning and Zoning member at any regularly scheduled City Council Meeting. This facility is wheelchair accessible and handicapped parking is available. Requests for accommodations or interpretive services must be made 48 hours prior to the meeting. Please contact the City Secretary at (830) 796-3765. This agenda is posted in accordance with the Texas Government Code, Chapter 551 on February 23, 2024.*



# CITY OF BANDERA

Section 5, Item A.

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

## Public Agenda Item Request

The submission of a request for an item to be placed on the agenda must be specific and contain an explanation of the purpose of the item and the effect of the item's enactment.

Agenda items must be submitted to the City Secretary's office by 5:00 pm Wednesday a week prior to the scheduled meeting. Any person may address their respective item until 2:00 pm prior to posting (72 hours in advance of the meeting).

All agenda item requests are given to the Mayor for approval. It is at the Mayor's discretion whether or not your request is put on an agenda. If the request is not approved by the Mayor, it takes the approval and signatures from two (2) council members to be on an agenda.

### Summary of proposed agenda item for discussion and possible action on:

Approval of the revised contract with the Texas Department of Public Safety for the purpose of complying and implementing Chapter 706 of the Transportation Code for Municipal Court due to changes in the 88th Legislative Session.

In summary, this allows the municipal court to send info to DPS after a defendant either fails to appear or fails to comply with a court order, once notified, DPS will place a hold on the persons driver's license until there is some type of closure on the case.

Im requesting this be approved and signed by the Mayor.

Jannett Pieper  
Signature (Required)

Jannett Pieper, Court Clerk

02/06/2024

Date

### FOR CITY USE ONLY

This request is for the City Council meeting held on 1-27-2024

This request was received at \_\_\_\_\_ am / pm on \_\_\_\_\_.

Date stamp



# TEXAS DEPARTMENT OF PUBLIC SAFETY

5805 N LAMAR BLVD • BOX 4087 • AUSTIN, TEXAS 78773-0001  
512/424-2000

[www.dps.texas.gov](http://www.dps.texas.gov)

Section 5, Item A.



COMMISSION  
STEVEN P. MACH, CHAIRMAN  
NELDA L. BLAIR  
LARRY B. LONG  
STEVE H. STODGHILL  
DALE WAINWRIGHT

STEVEN C. McCRAW  
DIRECTOR  
WALT GOODSON  
FREEMAN F. MARTIN  
DWIGHT D. MATHIS  
DEPUTY DIRECTORS

BANDERA MUNICIPAL COURT  
PO BOX 2279  
BANDERA, TX 78003

January 29, 2024

Re: Notice of Interlocal Cooperation Contract (ICC) for Failure to Appear (FTA) Program

Dear Court Administrator,

Due to changes occurring in the 88<sup>th</sup> Legislative Session, the Department revised the FTA contract (ICC). This notice is to inform you of the changes and the need to sign a new contract to continue your participation in the FTA program. You must return the signed contract (ICC) **within 90 days** from the date of this notice to continue participating in the program.

The following changes have been made to the contract (ICC):

- Changes to language and restructuring of the original ICC to provide clarity regarding the specific responsibilities held by each party.
- Inclusion of indigency into the program as mandated by House Bill 291, 88<sup>th</sup> Legislative Session.
- Language to account for future changes to the current statute, either federal or state, ensuring that the ICC remains in compliance with the latest legal requirements until a revised ICC is available.

It is imperative that all participants in the FTA program adhere to these updated terms to ensure the program's continued effectiveness and compliance with relevant legislation. Submit the completed and signed contract (ICC) by mail, email, or fax. Please ensure you address this attention to FTA Program.

Mailing address:

Enforcement & Compliance Service  
5805 North Lamar Blvd, Bldg A,  
Austin, TX 78752-0300

E-mail: [driver.improvement@dps.texas.gov](mailto:driver.improvement@dps.texas.gov)

Fax: (512) 424-2848

Should you have any questions, please send an email to [driver.improvement@dps.texas.gov](mailto:driver.improvement@dps.texas.gov). Thank you for your immediate attention to this matter.

Regards,  
Manager  
Enforcement and Compliance Service

Enclosure

Interlocal Cooperation Contract  
Failure to Appear Program

State of Texas  
County of BANDERA

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the BANDERA MUNICIPAL Court of the [City or County] of BANDERA (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied renewal of the person's driver license.

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated Failure to Appear (FTA) system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry generated from an FTA Report.

An FTA Report is a notice sent by Court requesting a person be denied renewal of a driver's license in accordance with this Contract. The Court may submit an FTA Report to DPS's Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier in accordance with Section VII.C, *General Terms and Conditions*, Termination.

V. COURT RESPONSIBILITIES

A. FTA Report

For a matter involving any offense which a Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4, where a person fails to appear for a complaint or citation or fails to pay or

satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court, the Court will supply DPS, through its Vendor, an FTA report including the information that is necessary to deny renewal of the driver license of that person. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

#### **B. Clearance Reports**

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee from the person who failed to appear, pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court. If the person is acquitted of the underlying offense for which the original FTA Report was filed or found indigent by the court, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or
5. other suitable arrangement to satisfy the fine and cost within the Court's discretion.

After termination of the Contract, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

**C. Quarterly Reports and Audits**

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract, or until DPS or the State Auditor's Office (SAO) is satisfied that all audit and litigation matters are resolved, whichever period is longer.

**D. Accounting Procedures**

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

**E. Non-Waiver of Fees**

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless any of the requirements in Tex. Trans. Code § 706.006(a) or §706.006(d) are met.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

**F. Litigation Notice**

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

**VI. DPS's RESPONSIBILITIES**

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

**VII. PAYMENTS TO VENDOR**

Court must pay the Vendor a fee of \$6.00 per person for each violation that has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the fee has been waived by Tex. Trans. Code § 706.006(a) or §706.006(d), no payment will be made to the Vendor.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees that should have been submitted by a Court.

**VIII. GENERAL TERMS AND CONDITIONS**

- A. **Compliance with Law.** This Contract is governed by and construed under and in accordance with the laws of the State of Texas. The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. **Notice.** The respective party will send the other party notice as noted in this section. Either party may change its information by giving the other party written notice and the effective date of the change.

<b>Court</b>	<b>Department of Public Safety</b>
Attn.: <u>JANNETT Pieper</u>	Enforcement & Compliance Service 5805 North Lamar Blvd., Bldg A Austin, Texas 78752-0001 (512) 424-5311 [fax] <a href="mailto:Driver.Improvement@dps.texas.gov">Driver.Improvement@dps.texas.gov</a> (512) 424-7172
Address: <u>PO Box 2279</u>	
Address: <u>Bandera Tx 78003</u>	
Fax: <u>830-522-3174</u>	
Email: <u>CityClerk@bandera.tx.gov</u>	
Phone: <u>830-796-3456</u>	

**C. Termination.**

Either party may terminate this Contract with 30 days' written notice.

DPS may also terminate this Contract for cause if Court doesn't comply with Section V.C., *Quarterly Reports and Audits* and V.E., *Non- Waiver of Fees*.

If either Party is subject to a lack of appropriations that are necessary for that Party's performance of its obligations under this Contract, the Contract is subject to immediate cancellation or termination, without penalty to either Party.

**D. Amendments.**

This contract may only be amended by mutual written agreement of the Parties.

**E. Miscellaneous.**

1. The parties shall use the dispute resolution process provided for in Chapter 2260 of the Texas Government Code to resolve any disputes under this Contract; provided



however nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.

- 2. This Contract shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to either Party or the State of Texas.
- 3. Any alterations, additions, or deletions to the terms of the contract that are required by changes in federal or state law or regulations are automatically incorporated into the contract without written amendment hereto, and shall become effective on the date designated by such law or by regulation.

**CERTIFICATIONS**

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

**Court\***

**Department of Public Safety**

\_\_\_\_\_  
**Authorized Signatory**

\_\_\_\_\_  
**Driver License Division Chief or Designee**

\_\_\_\_\_  
**Title**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**Date**

\*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person's title and date.



**CITY OF BANDERA  
CITY COUNCIL REGULAR MEETING**

Bandera City Hall, 511 Main Street, Bandera, Texas  
Tuesday, February 13, 2024 at 6:00 PM

511 Main St. • PO Box 896 • Bandera, Texas 78003 • P: (830) 796-3765 • F: (830) 796-4247

## MINUTES

### 1. Call to order.

Meeting was called to order at 6:00PM

#### PRESENT

Mayor Rebeca Gibson  
Councilmember Tony Battle  
Councilmember Debbie Breen  
Councilmember Jeff Flowers  
Councilmember Brett Hicks  
Councilmember Lynn Palmer

### 2. Invocation and Pledge.

Councilmember Flowers offered the invocation and all stood for the pledges.

### 3. Visitors to be heard (shall not exceed 30 minutes total).

Rudy Skultety the Grants Manager for Kronkosky Charitable Foundation spoke on his position with the Foundation and that he will be in town for the next year learning more about Bandera and what it needs.

### 4. Consent Agenda.

#### Approval of Minutes from December 12, 2023 and January 23, 2024 meetings.

Motion made by Councilmember Battle to approve the consent agenda, Seconded by Councilmember Breen.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

### 5. Staff Reports.

#### A. Code Enforcement Report - Code Enforcement Officer

Code Enforcement Officer Jon Davis gave his full report on code violations and his future plans to enforce codes across the City.

#### B. Public Works / Street Maintenance Report - Public Works Director

Public Works Director Terry Wells gave his report on the condition of the streets and his plans for the short- and long-term goals to help maintain the streets. This plan includes buying a better product and the need for equipment in the near future.

#### C. Grants Update, FY 2024 Hotel Occupancy Tax Budget - City Administrator

City Administrator Stan Farmer gave a full history of the Best Western and the HOT tax that is collected from them. Mr. Farmer also updated the Council on all grants that the City is currently pursuing.

**6. Discussion and possible action on the following items:**

**A. Approval of Resolution 2024-011 designating the City's official newspaper. - Gibson**

Motion made by Councilmember Palmer to approve Resolution 2024-011 designating the City's official newspaper as the Bandera Bulletin, Seconded by Councilmember Breen. Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**B. Adopting Ordinance 439 suspending the provisions and the issuance of permits and appointing a committee to review the seasonal vendor permit process. - Palmer**

Motion made by Councilmember Battle to approve adopting Ordinance 439 suspending the provisions and the issuance of seasonal permits and appointing a five-member committee to review the seasonal vendor permit process, Seconded by Councilmember Hicks. Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**C. Discussion on creating an events committee. - Flowers**

Discussion on creating an events committee spearheaded by Councilmember Flowers and Breen to contact the BBA, CVB and others to join and bring back to Council.

**D. Approval of Resolution 2024-012 directing EDC to amend their Bylaws to reflect the amount of spending that needs to be approved by City Council. - Palmer**

Motion made by Councilmember Battle to approve Resolution 2024-012 directing EDC to amend their bylaws to reflect the amount of spending that needs to be approved by City Council to \$5,000.00 and remove the word project from the bylaws, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**E. Planning and Zoning commission. - Gibson**

**a) Bylaws**

**b) Ordinance Article 1.02 Division 2 Planning and Zoning Commission.**

**c) Commission Recruitment and Retention**

There was some discussion on the Planning and Zoning Commission bylaws, duties and recruitment. It was a consensus that it needed further discussion and a workshop to discuss more in depth.

**F. April 2024 Eclipse. - Gibson**

**a.) Update from planning committee.**

**b.) Establishing a City sponsored event in the Bandera City park.**

There was some discussion on what kind of event the City would have in the City Park for the Eclipse and who would be in charge of the event. There were opinions given about rates in other cities and other venues in town.

Motion made by Councilmember Battle to open the City park the Monday of the Eclipse and have the City Administrator facilitate the details of the event, Seconded by Councilmember Palmer.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**G. Discuss and take action on the award of a construction services contract in the amount of \$207,117.70 to RAM Utilities for the Madrona Lane Water Line Improvement Project. - Stan Farmer**

Motion made by Councilmember Battle to award a construction services contract in the amount of \$207,117.70 to RAM Utilities for the Madrona Lane Water Line Improvement Project, Seconded by Councilmember Flowers.

Voting Yea: Councilmember Battle, Councilmember Breen, Councilmember Flowers, Councilmember Hicks, Councilmember Palmer

**7. Closed Session.**

The Mayor closed the meeting into executive session at 7:36PM.

*A. The City Council will meet in closed session pursuant to Texas Government Code Section 551.072 to deliberate the purchase, exchange, lease, or value of real property necessary for locating future municipal utility infrastructure and improvements.*

**8. Action following Closed Session.**

The meeting was reconvened into open session at 7:52PM

There was no action taken.

**9. Requests and Announcements.****A. Requests by Council to place items on an agenda.**

There were no requests made by Council.

**B. Announcements by Council.**

There were no announcements made by Council.

**10. Adjourn.**

The meeting was adjourned at 7:53PM.

/s/ Jill Shelton

Jill Shelton, *City Secretary*



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 13, 2024**

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**AGENDA ITEM:** Approval of Resolution 2024-013 approving an application of the City of Bandera for the Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

The Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program is for the planning or construction of surface transportation infrastructure projects that will improve safety, environmentally sustainability, quality of lie. Mobility and community connectivity, economic competitiveness and opportunity including tourism.

City Staff has identified the RAISE Grant Program as an opportunity to fund a much needed sidewalk installation, repair, and ADA compliance project along Main Street / Highway 16 in the central downtown area. City Staff requests City Council approval to submit a grant application on behalf of the City of Bandera.

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**FISCAL ANALYSIS:**

Funding potential up to one million dollars with a 20% City match.

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**RECOMMENDATION:**

City Staff recommends approval.

**A RESOLUTION APPROVING THE APPLICATION FOR FEDERAL GRANT FUNDING THROUGH THE REBUILDING AMERICAN INFRASTRUCTURE WITH SUSTAINABILITY AND EQUITY (RAISE) GRANT PROGRAM FOR CITY SIDEWALK INSTALLATION, REPAIR, AND ADA COMPLIANCE ALONG MAIN STREET / STATE HIGHWAY 16.**

**WHEREAS**, the City of Bandera recognizes the importance of maintaining safe and accessible sidewalks for the well-being and mobility of its residents; and

**WHEREAS**, the City has identified several areas within its jurisdiction where sidewalk infrastructure improvements are necessary to enhance pedestrian safety, connectivity, and accessibility; and

**WHEREAS**, the availability of federal grant funding presents an opportunity to supplement the City's budget for sidewalk improvement projects, thereby minimizing the financial burden on local taxpayers; and

**WHEREAS**, the City Council has reviewed and considered the terms and conditions of the federal grant program, including the requirements for application, project implementation, and reporting;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Bandera:

Section 1. That the Bandera City Council hereby approves the submission of an application for federal grant funding for the purpose of improving City sidewalks as outlined in the grant proposal.

Section 2. That the Mayor, or their designee, is authorized and directed to submit the grant application to the appropriate federal agency on behalf of the City of the City of Bandera, and to take any necessary actions to facilitate the processing and approval of the grant application.

Section 3. That the City Council acknowledges its commitment to complying with all terms and conditions of the federal grant program, including but not limited to project implementation, reporting requirements, and financial accountability.

Section 4. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 5. That this resolution shall take effect immediately upon passage.

Introduced, discussed, and passed by the City Council of the City of Bandera on this 13th day of February 2024.

\_\_\_\_\_  
Rebeca Gibson, Mayor

Attest:

\_\_\_\_\_  
Jill Shelton, City Secretary



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 27, 2024**

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**AGENDA ITEM:** Discussion and possible action on the appointment of persons to a temporary ad-hoc Events Committee to recommend changes in the City of Bandera Event Policies and Ordinances as applicable.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Pursuant to the direction of the City Attorney, no resolution is necessary for this agenda item. Mr. Santee instructs City Council to directly appoint members to the ad-hoc committee, including the appointment of the committee’s chairman.

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**FISCAL ANALYSIS:**

None.

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**RECOMMENDATION:**

No recommendation.



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 27, 2024**

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**AGENDA ITEM:** Discussion and possible action on direction to City Staff related to possible violations of the City of Bandera Code of Ordinances related to allowable uses including recreation vehicle connection for two properties located within the corporate limits of the City of Bandera at 1002 and 1006 Cypress Street.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

City Staff seeks direction from City Council on the enforcement of potential Code Violations at 1002 and 1006 Cypress Street.

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**FISCAL ANALYSIS:**

None.

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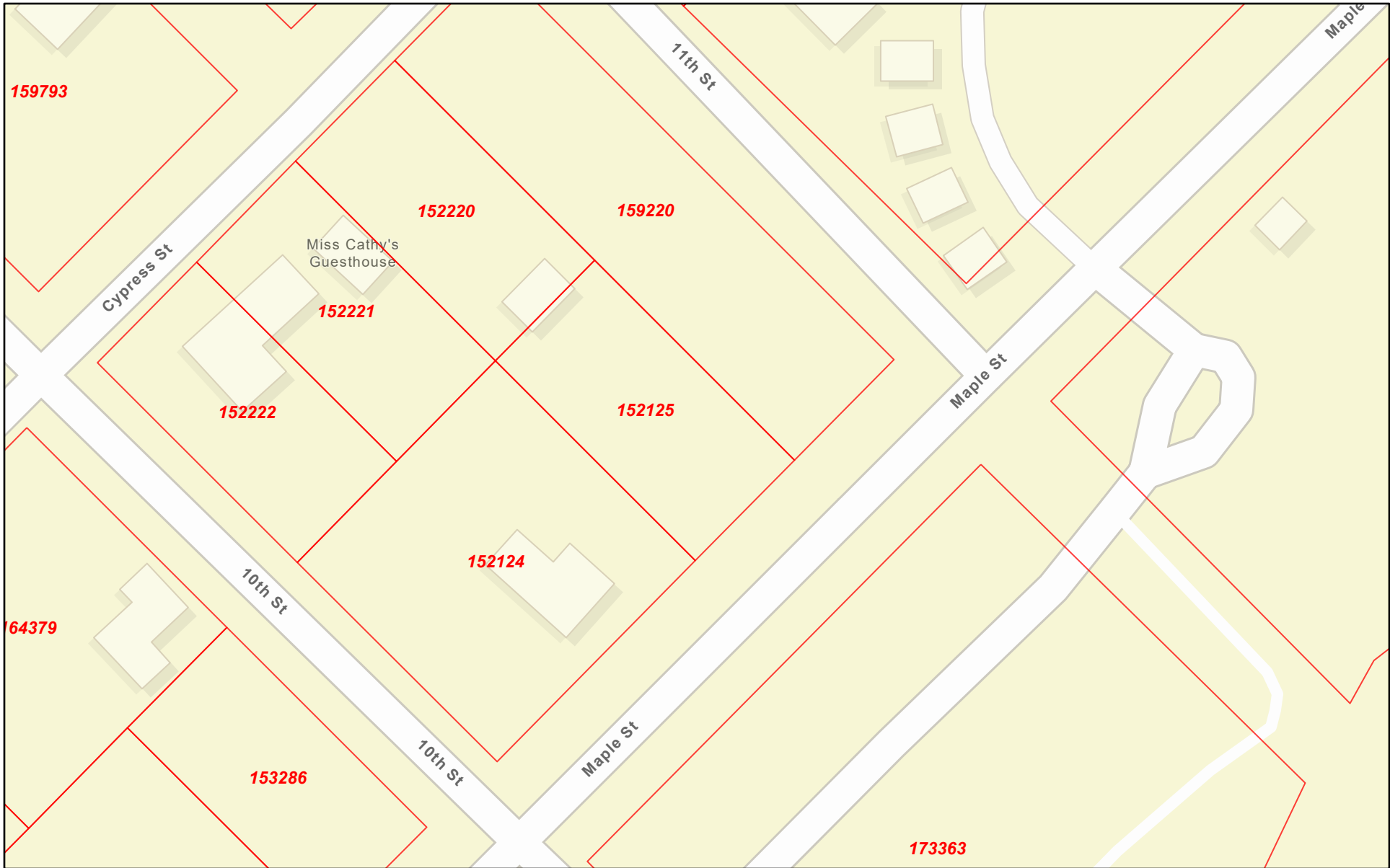
**RECOMMENDATION:**

No recommendation.





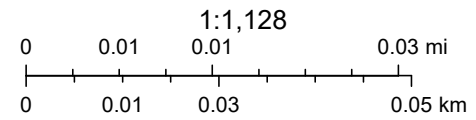
# Bandera CAD Web Map

Section 6, Item C.



2/22/2024, 10:24:58 AM

-  Parcels
-  Abstracts



Esri Community Maps Contributors, Texas Parks & Wildlife, OpenStreetMap, Microsoft, CONANP, Esri, TomTom, Garmin, Foursquare

Bandera County Appraisal District, BIS Consulting - www.bisconsulting.com

This product is for informational purposes only and has not been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of boundaries.

**Property Details**

<b>Account</b>		
<b>Property ID:</b>	152222	<b>Geographic ID:</b> 10400-00010-0530
<b>Type:</b>	Real	<b>Zoning:</b>
<b>Property Use:</b>		<b>Condo:</b>
<b>Location</b>		
<b>Situs Address:</b>	1002 CYPRESS	
<b>Map ID:</b>	G3	<b>Mapsco:</b>
<b>Legal Description:</b>	BANDERA RNG 10 LT 53 0.318 ACRES	
<b>Abstract/Subdivision:</b>	10400 - BANDERA CITY	
<b>Neighborhood:</b>	BTRES	
<b>Owner</b>		
<b>Owner ID:</b>	74673	
<b>Name:</b>	WITT CANDICE LESHAE & GUNNAR ANTHONY	
<b>Agent:</b>		
<b>Mailing Address:</b>	P O BOX 2367 BANDERA, TX 78003	
<b>% Ownership:</b>	100.0%	
<b>Exemptions:</b>	DV3 - Disabled Veterans 50% - 69% HS - Homestead For privacy reasons not all exemptions are shown online.	

**Property Values**

<b>Improvement Homesite Value:</b>	\$125,830 (+)
<b>Improvement Non-Homesite Value:</b>	\$0 (+)
<b>Land Homesite Value:</b>	\$55,440 (+)
<b>Land Non-Homesite Value:</b>	\$0 (+)
<b>Agricultural Market Valuation:</b>	\$0 (+)
<b>Market Value:</b>	\$181,270 (=)
<b>Agricultural Value Loss:</b>	\$0 (-)
<b>Appraised Value:</b>	\$181,270 (=)
<b>Homestead Cap Loss:</b>	\$74,057 (-)
<b>Assessed Value:</b>	\$107,213
<b>Ag Use Value:</b>	\$0

VALUES DISPLAYED ARE 2023 CERTIFIED VALUES

**DISCLAIMER** Information provided for research purposes only. Legal descriptions and acreage amounts are for appraisal district use on verified prior to using for legal purpose and or documents. Please contact the Appraisal District to verify all information for accuracy.

Section 6, Item C.

### Property Taxing Jurisdiction

**Owner:** WITT CANDICE LESHAE & GUNNAR ANTHONY %**Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
B	BANDERA FIRE DEPT	0.000000	\$181,270	\$97,213	\$0.00	
BC	BANDERA COUNTY	0.519500	\$181,270	\$92,213	\$479.05	
BS	BANDERA ISD	0.793000	\$181,270	\$0	\$0.00	
BT	BANDERA CITY	0.470000	\$181,270	\$84,524	\$397.26	
CAD	BANDERA CENTRAL APPRAISAL DISTRICT	0.000000	\$181,270	\$97,213	\$0.00	
CR	COUNTY ROADS	0.040000	\$181,270	\$92,213	\$36.89	
SPC	SPECIAL ROAD	0.000000	\$181,270	\$89,213	\$0.00	
SW	BCRAGD	0.040642	\$181,270	\$92,213	\$37.48	

**Total Tax Rate:** 1.863142

**Estimated Taxes With Exemptions:** \$950.68

**Estimated Taxes Without Exemptions:** \$3,377.32

Property Details

<b>Account</b>		
<b>Property ID:</b>	152221	<b>Geographic ID:</b> 10400-00010-0520
<b>Type:</b>	Real	<b>Zoning:</b>
<b>Property Use:</b>	STR SHORT TERM RENTAL (B&B)	<b>Condo:</b>
<b>Location</b>		
<b>Situs Address:</b>	1006 CYPRESS ST TX	
<b>Map ID:</b>	G3	<b>Mapsco:</b>
<b>Legal Description:</b>	BANDERA RNG 10 LT 52 0.318 ACRES	
<b>Abstract/Subdivision:</b>	10400 - BANDERA CITY	
<b>Neighborhood:</b>	BTRES	
<b>Owner</b>		
<b>Owner ID:</b>	51899	
<b>Name:</b>	EQUESTRIAN TRAILS INC	
<b>Agent:</b>		
<b>Mailing Address:</b>	% CANDICE LESHAE WITT P O BOX 2367 BANDERA, TX 78003	
<b>% Ownership:</b>	100.0%	
<b>Exemptions:</b>	For privacy reasons not all exemptions are shown online.	

Property Values

<b>Improvement Homesite Value:</b>	\$0 (+)
<b>Improvement Non-Homesite Value:</b>	\$62,790 (+)
<b>Land Homesite Value:</b>	\$0 (+)
<b>Land Non-Homesite Value:</b>	\$55,440 (+)
<b>Agricultural Market Valuation:</b>	\$0 (+)
<b>Market Value:</b>	\$118,230 (=)
<b>Agricultural Value Loss:</b>	\$0 (-)
<b>Appraised Value:</b>	\$118,230 (=)
<b>Homestead Cap Loss:</b>	\$0 (-)
<b>Assessed Value:</b>	\$118,230
<b>Ag Use Value:</b>	\$0

VALUES DISPLAYED ARE 2023 CERTIFIED VALUES

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Section 6, Item C.

**Property Taxing Jurisdiction**

**Owner:** EQUESTRIAN TRAILS INC **%Ownership:** 100.0%

Entity	Description	Tax Rate	Market Value	Taxable Value	Estimated Tax	Freeze Ceiling
B	BANDERA FIRE DEPT	0.000000	\$118,230	\$118,230	\$0.00	
BC	BANDERA COUNTY	0.519500	\$118,230	\$118,230	\$614.20	
BS	BANDERA ISD	0.793000	\$118,230	\$118,230	\$937.56	
BT	BANDERA CITY	0.470000	\$118,230	\$118,230	\$555.68	
CAD	BANDERA CENTRAL APPRAISAL DISTRICT	0.000000	\$118,230	\$118,230	\$0.00	
CR	COUNTY ROADS	0.040000	\$118,230	\$118,230	\$47.29	
SPC	SPECIAL ROAD	0.000000	\$118,230	\$118,230	\$0.00	
SW	BCRAGD	0.040642	\$118,230	\$118,230	\$48.05	

**Total Tax Rate:** 1.863142

**Estimated Taxes With Exemptions:** \$2,202.78

**Estimated Taxes Without Exemptions:** \$2,202.78



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 27, 2024**

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**AGENDA ITEM:** Discussion and possible action on a Hotel Occupancy Tax (HOT) application policy.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Pursuant to City Council request, City Staff seeks direction on creating a Hotel Occupancy Tax (HOT) application policy.

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**FISCAL ANALYSIS:**

None.

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**RECOMMENDATION:**

No recommendation.



**CITY OF BANDERA  
CITY COUNCIL AGENDA REQUEST FORM  
MEETING DATE: February 27, 2024**

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**AGENDA ITEM:** Discussion and possible action on an amendment to the City of Bandera Code of Ordinances Chapter 13 Drought Contingency Plan, Section 13.09.069 Drought Response Stage Responses and Water Use Restrictions.

**SUBMITTED BY:** Susan Hutcherson

**APPROVED FOR AGENDA:** Stan Farmer

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**BACKGROUND:**

Upon the feedback of Council Member Battle and Mayor Gibson, City Staff presents a draft amendment of City of Bandera Code of Ordinances Drought Contingency Plan, Section 13.09.069.

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**FISCAL ANALYSIS:**

None.

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**RECOMMENDATION:**

No recommendation.

**§ 13.09.069. Drought response state responses and water use restrictions.**

The mayor, or his/her designee, shall monitor water supply and/or demand condition on a weekly basis and, in accordance with the triggering criteria set forth in section 13.09.068, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following action upon publication of notice in a newspaper of general circulation:

- (1) Stage 1: Mild water shortage conditions.
  - (A) Goal. Raise public awareness of the supply situation and initiate voluntary conservation measures.
  - (B) Supply management measures. The city will manage limited water supplies and/or reduce water demand. Examples of water reduction include: reduced or discontinued flushing of water mains, immediate repairs of any water leak, and use of reclaimed water for non-potable purposes.
  - (C) Voluntary water use restrictions.
    - (i) Water customers are requested to voluntarily limit the irrigation of landscaped areas to between the hours 8:00 p.m. to 8:00 a.m.
    - (ii) All operations of the city shall adhere to water use restrictions prescribed for Stage 2 of the plan.
    - (iii) Water customers are requested to practice water conservation and to minimize or discontinue water use for nonessential purposes.
- (2) Stage 2: Moderate water shortage conditions
  - (A) Goal. Achieve a 20 percent reduction in total water use per day.
  - (B) Water use restrictions. Under threat of penalty for violation, the following water use restrictions shall apply to all persons:
    - (i) Irrigation of landscaped areas and turf shall be limited to the designated watering hours between 8:00 p.m. to 8:00 a.m. However, irrigation of landscaped areas is permitted at any time if it is by means of a hand-held hose, a faucet-filled bucket or watering can of five (5) gallons or less, or a drip irrigation system. Watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted.
    - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, other vehicle is allowed if done before 8:00 am or after 8:00 pm. Such washing, when allowed, shall be done with a hand-held bucket or a hand-held hose equipped with a



positive shutoff nozzle for quick rinses. Vehicle washing may be done at any time on the immediate premises of a commercial carwash or commercial service station. Further, such washing may be exempted from these regulations if the health, safety, and welfare of the public is contingent upon frequent vehicle cleansing, such as garbage trucks and vehicles used to transport food and perishables.

- (iii) Use of water to fill, refill, or add to any indoor or outdoor swimming pools, wading pools, or jacuzzi-type is allowed if done before 8:00 am or after 8:00 pm.
- (iv) Use of water from hydrants shall be limited to firefighting, related activities, or other activities necessary to maintain public health, safety, and welfare, except that use of water from designated fire hydrants for construction purposes may be allowed under special permit from the city.
- (v) The following uses of water are defined as nonessential and are prohibited:
  - a. Washdown of any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - b. Use of water to wash down buildings or structures for purposes other than immediate fire protection.
  - c. Use of water for dust control except for properties under current construction with valid permit;
  - d. Flushing street gutters or permitting water to run or accumulate in any gutter or street; and
  - e. Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such leak(s).

(3) Stage 3: Severe water shortage conditions.

- (A) Goal. Achieve a 30 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stage 2 shall remain in effect during Stage 3 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses) between the hours of 8:00 am and after 8:00 pm and shall be by means of hand-held hoses, hand-held buckets, drip irrigation, or a permanently installed automatic sprinkler system only; watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted The use of hose-end sprinklers

is prohibited at all times.

- (ii) The filling of newly constructed swimming pools from a City of Bandera water source is prohibited; however, pool levels may be maintained because of evaporation.

(4) Stage 4. Critical water shortage conditions.

- (A) Goal. Achieve a 40 percent reduction in daily water use.
- (B) Water use restrictions. All requirements of Stages 2 and 3 shall remain in effect during State 4 except:
  - (i) Irrigation of landscaped areas shall be limited to designated watering days (Tuesday and Sunday for residents with even number addresses and Wednesday and Saturday for residents with odd number addresses between the hours of 8:00 p.m. and 8:00 a.m. and shall be by means of hand-held hoses, hand-held buckets, or drip irrigation only. ; watering of Trees via a hand-held hose is allowed, and watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted. The use of hose-end sprinklers or permanently installed automatic sprinkler systems is prohibited at all times.
  - (ii) Use of water to wash any motor vehicle, motorbike, boat, trailer, or other vehicle not occurring on the premises of a commercial carwash and commercial service stations and not in the immediate interest of public health, safety, and welfare is prohibited. Further, such vehicle washing at commercial carwashes and commercial service stations shall occur only between the hours of 9:00 a.m. and 4:00 p.m. and between 10:00 p.m. and 4:00 a.m.
  - (iii) Operation of any ornamental fountain or pond for aesthetic or scenic purposes is prohibited except where necessary to support aquatic life or where such fountains or ponds are equipped with a recirculation system.

(5) Stage 5: Emergency water shortage conditions.

- (A) Goal. Achieve a 50 percent reduction in daily water use.
- (B) Water use restriction. All requirements of Stages 2, 3, and 4 shall remain in effect during Stage 5 except:
  - (i) Irrigation of landscaped areas is absolutely prohibited; However, watering of Trees via a hand-held hose is allowed, watering of gardens for the use of private nourishment and watering in a foundation to avoid structural damage is permitted during designated watering days (Tuesday and

Sunday for residents with even number addresses  
Wednesday and Saturday for residents with odd number  
addresses) between the hours of 8:00 p.m. and 8:00 a.m.

(6) Stage 6: Complete water loss.

In the event that all water production has ceased due to massive pump failures, power outages or any other natural or man-made causes [resulting in] complete water loss due to contamination of all water sources, the mayor, or his/her designee, is hereby authorized to notify the public by a newspaper of general circulation, radio announcements and/or a black flag to be flown at 511 Main Street that no water from the system will be available for use.

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**§ 13.09.069. Drought response stage responses and water use restrictions.**

The mayor, or his/her designee, shall monitor water supply and/or demand conditions on a weekly basis and, in accordance with the triggering criteria set forth in section 13.09.068, shall determine that a mild, moderate, severe, critical, or emergency condition exists and shall implement the following actions upon publication of notice in a newspaper of general circulation:

- (1) Stage 1: Mild water shortage condition. Goal: 10% reduction in pumping.
  - (A) Water permit users shall limit irrigation, including the irrigation of landscaped areas and turf, to the hours after 6:00 p.m. and before 8:00 a.m. to reduce water losses due to evaporation.
  - (B) The following uses of water are defined as nonessential and shall be prohibited:
    - (i) Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
    - (ii) Washing down buildings or structures for purposes other than immediate fire protection.
    - (iii) Failure to repair a controllable leak within a reasonable period after having been given notice directing the repair of such a leak.
- (2) Stage 2: Moderate water shortage conditions. Goal: 20% reduction in pumping.
  - (A) Water permit users shall limit irrigation, including the irrigation of landscaped areas and turf to the designated watering hours before 8:00 a.m. and after 8:00 p.m.
  - (B) The following uses of water are defined as nonessential and shall be prohibited:
    - (i) Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
    - (ii) Washing down buildings or structures for purposes other than immediate fire protection.
    - (iii) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak.
    - (iv) Washing any motor vehicle, motorbike, boat, trailer or other vehicle other than a public safety vehicle on a premises other than a commercial carwash or service station and not in the immediate interest of public health, safety, and welfare.
- (3) Stage 3: Severe water shortage conditions. Goal: 30% reduction in pumping.
  - (A) Water users shall limit irrigation, including the irrigation of landscaped areas and turf to every other day during the designated watering hours before 8:00 a.m. and after 8:00 p.m.

§ 13.09.069

§ 13.09.069

- (B) The following use of water defined as nonessential shall be prohibited:
- (i) Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - (ii) Washing down buildings or structures for purposes other than immediate fire protection.
  - (iii) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak.
  - (iv) Washing any motor vehicle, motorbike, boat, trailer or other vehicle other than a public safety vehicle on a premises other than a commercial carwash or service station and not in the immediate interest of public health, safety, and welfare.
  - (v) Permittees with wells permitted to pump into surface impoundments shall discontinue pumping. This does not apply to those wells permitted for nondomestic irrigation.
  - (vi) The filling of swimming pools is prohibited, however, pool levels may be maintained because of evaporation.
- (4) Stage 4: Critical water shortage conditions. Goal: 40% reduction in pumping.
- (A) Water users shall limit irrigation, including the irrigation of landscaped areas and turf to one day a week during the designated watering hours before 8:00 a.m. and after 8:00 p.m. However, golf courses that use treated wastewater effluent or other nongroundwater sources are allowed to utilize those sources for the watering of golf course greens, tees, and fairways.
- (B) The following use of water defined as nonessential shall be prohibited:
- (i) Washing down any sidewalks, walkways, driveways, parking lots, tennis courts, or other hard-surfaced areas.
  - (ii) Washing down buildings or structures for purposes other than immediate fire protection.
  - (iii) Failure to repair a controllable leak(s) within a reasonable period after having been given notice directing the repair of such a leak(s).
  - (iv) Washing any motor vehicle, motorbike, boat, trailer or other vehicle not occurring on the premises of a commercial carwash or service station and not in the immediate interest of public health, safety, and welfare should be prohibited.
  - (v) All permittees with wells permitted to pump into surface impoundments shall discontinue pumping. This does not apply to those wells permitted for nondomestic irrigation.
  - (vi) The filling or adding to swimming pools is prohibited.

(vii) Leakproof troughs shall be used to supply water to livestock.

(5) Stage 5: Emergency water shortage conditions. Goal: 50% reduction in pumping.

(A) All requirements of stage 4 remain in effect in stage 5.

(B) Irrigation of all landscape areas and turf is prohibited at all times.

(C) All permittees with wells permitted to pump into surface impoundments shall discontinue pumping.

(D) The issuance of new water well permits, and amendments may be suspended except to replace an existing well.

(E) All existing permits may have their authorized pumping amounts reduced by the district for the duration of stage 5 and possibly even if the county falls back into stage 4.

(F) Any other measures deemed necessary by the city council to protect public health and safety.

(6) Stage 6: Complete water loss. In the event that all water production has ceased due to massive pump failures, power outages or any other natural or manmade causes resulting in complete water loss due to contamination of all water sources, the mayor, or his/her designee, is hereby authorized to notify the public by a newspaper of general circulation, radio announcements and/or a black flag to be flown at 511 Main Street that no water from the system will be available for use.

( Ordinance 203, app. A, sec. IX, adopted 6/8/00 ; 2009 Code, sec. 13.08.009; Ordinance 412B adopted 9/20/2022 ; Ordinance 431 adopted 8/22/2023 )